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Attorneys for Defendants
CHUBB & SON, a division of FEDERAL INSURANCE COMPANY
and VIGILANT INSURANCE COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WINERY ASSET MANAGEMENT, INC., a
California corporation,

Plaintiff,

v.

CHUBB & SON, a division of FEDERAL
INSURANCE COMPANY, VIGILANT
INSURANCE COMPANY, and DOES 1 through
100, inclusive,

Defendants.

CASE NO. C-06-3605 MMC

**STIPULATION TO DISMISS
PLAINTIFF'S COMPLAINT;
~~PROPOSED~~ ORDER**

Date Action Removed: June 6, 2006

Trial Date: October 9, 2007

Discovery Cutoff: April 27, 2007

Plaintiff Winery Asset Management, Inc. ("WAMI") and Defendants Chubb & Son, a division of Federal Insurance Company and Vigilant Insurance Company (collectively "Vigilant") hereby stipulate, through their respective counsel of record, as follows:

1. Based on the Settlement Agreement and Release reached between the above parties and pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the instant action, including without limitation WAMI's Complaint for Breach of Insurance Contract and Tortious Breach of the Covenant of Good Faith and Fair Dealing on file in the instant action, shall be dismissed in its entirety with prejudice.

2. Each party is to bear its own costs and attorneys fees, if any.

1 3. The Court is requested to enter an Order approving and implementing the
2 foregoing stipulation.

3 Dated: October 3, 2006

CARLE, MACKIE, POWER & ROSS

4
5 By: 

6 Dawn M. Ross
7 Gregory J. Walsh
8 Attorneys for Plaintiff WINERY ASSET
9 MANAGEMENT, INC.

10 Dated: October 16, 2006

TRESSLER, SODERSTROM, MALONEY & PRIESS,
L.P.

11
12 By: 

13 Paul S. White
14 Rina Carmel
15 Attorneys for Defendants
16 CHUBB & SON, a division of FEDERAL
17 INSURANCE COMPANY
18 and VIGILANT INSURANCE COMPANY


19 **~~PROPOSED~~ ORDER**

20 The parties having stipulated thereto, it is hereby ordered as follows:

21 1. Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the instant action,
22 including without limitation Plaintiff Winery Asset Management, Inc.'s Complaint for Breach of
23 Insurance Contract and Tortious Breach of the Covenant of Good Faith and Fair Dealing on file
24 in the instant action, shall be and hereby is dismissed in its entirety with prejudice.

25 2. Each party is to bear its own costs and attorneys fees, if any.

26 DATED: October 16, 2006

27 
28 Honorable Maxine M. Chesney
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

L.A. 92829 (2246-68)